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*Attorneys for Plaintiff,*

Abel A. Rodriguez

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**ABEL A. RODRIGUEZ,**

Plaintiff,

**v.**

**ADIR INTERNATIONAL, LLC  
D/B/A CURACAO; AND,  
EXPERIAN INFORMATION  
SOLUTIONS, INC.,**

Defendants.

**Case No.: 5:23-cv-02423-AH-JCx**

**PLAINTIFF ABEL A.  
RODRIGUEZ'S MEMORANDUM  
OF CONTENTIONS OF FACT AND  
LAW PURSUANT TO LOCAL  
RULE 16-4**

**DATE:** March 19, 2025

**TIME:** 1:30 p.m.

**COURTROOM:** 1

**HON. ANNE HWANG**

1 **TO THIS HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL**  
2 **OF RECORD:**

3 Plaintiff ABEL A. RODRIGUEZ (“Rodriguez”) submits the following  
4 Memorandum of Contentions of Fact and Law in accordance with Local Rule 16-  
5 4:

6 **L.R. 16-4.1 – CLAIMS AND DEFENSES**

7 **a. RODRIGUEZ HAS PLEADED AND PLANS TO PURSUE THE FOLLOWING**  
8 **CLAIMS:**

9 **Claim 1:** Defendant ADIR INTERNATIONAL, LLC D/B/A  
10 CURACAO (“Adir”) violated the Fair Credit Reporting Act, 15  
11 U.S.C. § 1681, et seq. (“FCRA”).

12 **Claim 2:** Adir violated California’s Consumer Credit  
13 Reporting Agencies Act, Cal. Civ. Code § 1785, et seq.  
14 (“CCCRAA”).

15 **b. THE ELEMENTS REQUIRED TO ESTABLISH RODRIGUEZ’S CLAIMS**  
16 **ARE AS FOLLOWS:**

17 **Elements Required to Establish Rodriguez’s Claim for Violation of the FCRA**

18 The elements that Rodriguez must prove to allege a violation of the FCRA are  
19 as follows:

- 20 1. Rodriguez found an inaccuracy on Rodriguez’s credit report;
- 21 2. Rodriguez notified a credit reporting agency about the inaccuracy;
- 22 3. The Credit Reporting Agencies notified Adir about Rodriguez’s
- 23 dispute; and,
- 24 4. Adir failed to reasonably investigate the inaccuracies prior to
- 25 verifying its reporting.

1        *See Ma v. Target Corp.*, No. SACV17-01625 AG (JDEx), 2018 U.S. Dist.  
2        LEXIS 128902, at \*7 (C.D. Cal. July 30, 2018) citing to *Biggs v. Experian*  
3        *Information Sols., Inc.*, 209 F. Supp. 3d 1142, 1144 (N.D. Cal. 2016).

4                    **Elements Required to Establish Rodriguez’s Claim for**  
5                    **Violation of the CCCRAA**

6        The elements that Rodriguez must prove to allege a violation of the CCCRAA  
7        are as follows:

- 8                1. Adir is a “person” as defined by the CCCRAA;
- 9                2. Adir reported information to the Credit Bureaus regarding  
10                Rodriguez;
- 11                3. The information was inaccurate;
- 12                4. Adir was harmed; and,
- 13                5. Adir knew or should have known the information was inaccurate.

14        *See Robbins v. CitiMortgage, Inc.*, No. 16-cv-4732 LHK, 2017 U.S. Dist.  
15        LEXIS 209367, at \*13, 39 (N.D. Cal. Dec. 20, 2017).

16                    **c. BRIEF DESCRIPTION OF THE KEY EVIDENCE IN SUPPORT OF**  
17                    **RODRIGUEZ’S CLAIMS**

18        Rodriguez plans to offer the exhibits noted in the Parties’ Joint Exhibit List in  
19        support of Rodriguez’s claims. Said documents include:

- 20                1. Adir’s records regarding Rodriguez;
- 21                2. Rodriguez’s disputes;
- 22                3. Adir’s investigation of Rodriguez’s disputes;
- 23                4. Adir’s responses to Rodriguez’s disputes;
- 24                5. Dispute results from the credit bureaus;
- 25                6. The Parties’ Discovery Responses herein;
- 26                7. Documents regarding Rodriguez’s damages;

1 8. Testimony of depositions that occurred during the course of this  
2 Action if live witnesses are unavailable.

3 **d. ADIR'S AFFIRMATIVE DEFENSES**

4 Rodriguez defers to Adir's Memorandum of Contentions of Fact & Law for  
5 this information.

6 **e. ELEMENTS REQUIRED TO PROVE DEFENDANT'S AFFIRMATIVE**  
7 **DEFENSES.**

8 Rodriguez defers to Adir's Memorandum of Contentions of Fact & Law for  
9 this information.

10 **f. KEY EVIDENCE IN SUPPORT OF DEFENDANT'S COUNTERCLAIM(S)**  
11 **AND AFFIRMATIVE DEFENSE(S)**

12 Rodriguez defers to Adir's Memorandum of Contentions of Fact & Law for  
13 this information.

14 **g. THIRD PARTIES**

15 Not applicable.

16 **h. IDENTIFICATION OF ANTICIPATED EVIDENTIARY ISSUES**

17 Rodriguez does not anticipate evidentiary issues.

18 **i. IDENTIFICATION OF DISPUTES REGARDING ISSUES OF LAW**

19 Rodriguez contends disputes will revolve around the unreasonableness of  
20 Adir's investigation; and, Adir's damages.

21 **L.R. 16-4.2 – [ABROGATED]**

22 **L.R. 16-4.3 BIFURCATION OF ISSUES**

23 The Parties do not request bifurcation of any issues.

**L.R. 16-4.4 – JURY TRIAL**

**a. A timely demand for a jury trial has been made.**

Rodriguez wishes to exercise Rodriguez’s Seventh Amendment right to a jury trial on the issues of Adir’s violations.

Fed. Rul. Civ. Proc. 38(b) provides that a party may demand trial by jury through, *inter alia*, “serving the other parties with a written demand – which may be included in a pleading.” L.R. 38-1 provides:

If the demand for a jury trial is included in a pleading, it shall be set forth at the end thereof and be signed by the attorney for the party making the demand. The caption of such a pleading shall also contain the following ‘DEMAND FOR JURY TRIAL.’

Rodriguez formally demanded a trial by jury in Rodriguez’s Complaint in compliance with L.R. 38-1.

**L.R. 16-4.5 – ATTORNEYS’ FEES**

Rodriguez asserts that attorneys’ fees are recoverable pursuant to the FCRA (15 U.S.C. §§ 1681n(a)(3) and 1681o(a)(2)); the FDCPA (15 U.S.C. § 1692k); and, CCCRAA (Cal. Civ. Code §§ 1785.31(a)(1) and 1785.31(d)) in the event that Rodriguez is the prevailing party.

**L.R. 16-4.6 – ABANDONMENT OF ISSUES**

Rodriguez has abandoned his claim pursuant to California’s Identity Theft Act.

Date: February 19, 2025

**LOKER LAW, APC**

By: /s/ Matthew M. Loker  
MATTHEW M. LOKER, ESQ.  
ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

A copy of the foregoing *Plaintiff Abel A. Rodriguez's Memorandum of Contentions of Fact and Law Pursuant to Local Rule 16-4* has been filed via CM/ECF on February 19, 2025.

/s/ Matthew M. Loker

MATTHEW M. LOKER, ESQ

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